

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AC ESTATES LLC,

Plaintiff,

v.

ABCV, LLC, et al.,

Defendants.

Civil No. 12-5889 (NLH/KMW)

ORDER

HILLMAN, District Judge

This matter having come before the Court by way of Plaintiff AC Estates LLC's motion for default judgment [Doc. No. 13] seeking the entry of a final judgment in foreclosure against Defendant Frank D. Formica with respect to certain real property at issue in this foreclosure action; and

Plaintiff having filed the complaint in this action on September 19, 2012 asserting counts for mortgage foreclosure (Count I), breach of assignment of leases and lease agreements (Count II), and foreclosure of a security interest (Count III) against Defendants ABCV, LLC, Francine Alberti, Frank Alberti, Joseph Cellini, Paul A. Verdi, Jr., Ralph Bertolino, Jr., and Frank D. Formica; and

Plaintiff having brought this action to foreclose on a commercial mortgage encumbering real "property located at and formerly known as 2407 and 2409 Arctic Avenue and 110, 112, 114, 115, 116 North Georgia Avenue and 113, 117 and 119 North Florida

Avenue, Atlantic City, Atlantic County, New Jersey, now commonly known as 2401-2439 Formica's Way, City of Atlantic City, New Jersey," (Pl.'s Compl. ¶ 24); and

The Court having entered a Consent Order for the Entry of Judgment in Foreclosure [Doc. No. 17] in favor of Plaintiff and against Defendants ABCV, LLC, Francine Alberti, Frank Alberti, Joseph Cellini, Paul A. Verdi, Jr., and Ralph Bertolino, Jr. on February 4, 2013 in the amount of \$4,684,257.75; and

The Court recognizing that Defendant Frank D. Formica was the only Defendant who was not a party to the Consent Order entered by the Court on February 4, 2013 and that all claims against Defendant Formica remained pending despite the entry of the Consent Order; and

The Court noting that on March 1, 2013, Plaintiff filed a notice of dismissal as to Defendant Formica pursuant to Federal Rule of Civil Procedure 41 dismissing the complaint and all claims directed against Defendant Formica; and

The Court finding that Plaintiff's motion for default judgment is now moot in light of the dismissal of all claims against Defendant Formica; and for good cause shown;

IT IS on this 4th day of March, 2013 hereby

ORDERED that Plaintiff's Motion for Default Judgment [Doc. No. 13] shall be, and hereby is, **DENIED AS MOOT**; and it is further;

ORDERED that the Clerk is directed to mark this matter as
CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.